IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

LA.App..No. 1377 of 1997(D)

LAR.28/1995 of SUB COURT, PAYYANNUR
.....

APPELLANT/RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE
SPECIAL TAHSILDAR (LA), THALASSERU.

BY GOVERNMENT PLEADER ADV. SMT. K.R. DEEPA.

RESPONDENT/CLAIMANT

O.K. GOVINDAN NAIR, S/O. CHINDA,
PODUVAL, KARANTHAT, KUNNARU,
RAMANTHALI.

BY ADV. SRI.M. SASINDRAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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L.A.A. No. 1377 OF 1997

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Dated this the 12th March , 2007

J U D G M E N T

Kurian Joseph, J:

This appeal is filed against the judgment and decree in L.A.R.No. 28 of 1995 on the file of the Sub Court, Payyannur. Reference is under section 28A(3) of the Land Acquisition Act . It is seen that the Reference Court has enhanced the land value as well as the value of structures based on Ext. A1 judgment. That is not permissible in view of the decision of this Court in **State of Kerala vs. Narayanan Nair** (**2005 (2) K.L.T. 501)** wherein it was held that an application under section 28A (1) envisages re-determination of compensation on account of the land value and not on the value of improvements. It is prayed that the judgment and decree may hence be set aside and the matter may be remitted to the Reference Court for re-determination of the actual compensation payable.

Accordingly, we set aside the judgment and decree in L.A.R.No. 28

of 1995 and remit the matter to the Sub Court, Payyannur for a fresh disposal in accordance with law. The matter shall be disposed of within a period of six months from the date of receipt of a copy of this judgment.

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KURIAN JOSEPH,
JUDGE.

K.T. SANKARAN,
JUDGE.

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KURIAN JOSEPH &
K.T. SANKARAN, JJ.

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J U D G M E N T